

2001 DRAFTING REQUEST

Bill

Received: 03/08/2001

Received By: rmarchan

Wanted: 03/09/2001

Identical to LRB:

For: Gwendolynne Moore (608) 266-5810

By/Representing: jessica

This file may be shown to any legislator: NO

Drafter: rmarchan

May Contact:

Addl. Drafters: kuesejt
mdsida

Subject: Elections - miscellaneous
Employ Pub - miscellaneous
Criminal Law - miscellaneous
Criminal Law - sentencing

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Absentee voting and voter registration at satellite stations; voting by felons; study of voter registration and multi-lingual voting needs; uniform polling hours; service as an election official.

Instructions:

See Attached. Combine LRB-2570 and LRB-2625, but specify that special voting deputies appointed for satellite stations must be appointed on nonpartisan basis.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rmarchan 03/08/2001 kuesejt 03/08/2001	wjackson 03/08/2001		_____ _____ _____ _____			S&L
/1			jfrantze 03/09/2001	_____ _____	lrb_docadmin 03/09/2001	lrb_docadmin 03/19/2001	

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1?	rmarchan	1 WLJ 3/7	26 3/9	26 3/9			

FE Sent For:

<END>

Incorporate satellite voting into 2570 in
a new draft

★ BUT require the appointment of spec. vet.
depts to be done on non partisan basis

Want ready to introduce tomorrow

Also, fix the analysis P1

LRB 2570 + 2625

Friday 2 pm

2001 BILL

PM NK

DUOTE

re-8

1 AN ACT *to repeal* 6.78 (1), 6.78 (2) and 6.78 (3); *to renumber* 7.33 (5) and 973.09
 2 (4); *to renumber and amend* 6.78 (intro.), 973.033 and 973.034; *to amend*
 3 6.33 (1), 6.33 (2) (b), 7.15 (1) (e), 7.33 (4), 19.32 (1c), 20.921 (2) (b), 67.05 (3) (f),
 4 111.93 (3), 120.06 (9) (a), 303.09 (1), 303.09 (2), 946.42 (1) (a), 946.425 (1r) (a),
 5 946.425 (1r) (b), 946.425 (2), 968.255 (7) (d), 973.09 (1) (d) (intro.), 973.09 (7m)
 6 (a), 973.11 (1) (b) and 977.05 (6) (g) 2.; and *to create* 5.35 (6) (a) 4., 7.08 (5), 7.33
 7 (5) (b), 302.117, 973.09 (4) (b) and 973.176 (title) and (2) of the statutes;
 8 **relating to:** polling hours, time off from work for service as an election official,
 9 training of election officials, voting by felons and immigrants, requiring the
 10 elections board to study and submit ^{studies} recommendations with regard to voter
 11 registration, ^{and multilingual voting needs} ~~creating a special legislative committee to study and make~~

BILL

1 ~~recommendations with regard to multilingual voting needs, and granting~~
2 ~~rule-making authority.~~ *INSERT RELATING*

INSERT ANALYSIS

*Analysis by the Legislative Reference Bureau**Polling hours*

~~This bill makes changes in the laws regarding polling hours and leaves of absence for service as an election official and directs the elections board to submit recommendations to the legislature regarding other matters.~~

Under current law, the polls at an election in a first, second, or third class city must generally be open from 7 a.m. to 8 p.m. In a village, town, or fourth class city the polls must be open from 9 a.m. to 8 p.m., unless the village, town, or city determines to extend the opening hour to not earlier than 7 a.m. In addition, under current law, certain school district elections are not subject to either of these polling hour requirements. This bill requires the polls at every election to be open from 7 a.m. to 8 p.m. in all municipalities.

Leave for service as an election official

employees Currently, ~~any~~ ^{every} public or private employer ~~may~~ ^{must} grant an employee a leave for service as an election official ~~or for any other reason, without loss of pay, fringe benefits, or seniority privileges.~~ ^{and} If an employee is a member of a collective bargaining unit, the employer must first bargain in good faith with any representative of that unit before making a change in leave policy. In addition, state employees are entitled to time off without loss of pay, fringe benefits, or seniority privileges for service as an election official. Currently, when a state employee receives a leave of absence for service as an election official, the amount of the employee's pay for that service is deducted from the employee's regular paycheck for the leave period. This law applies to employees who are members of collective bargaining units to the extent provided in any applicable collective bargaining agreement.

State This bill provides that the law entitling state employees to a leave, without loss of pay, fringe benefits, or seniority privileges, for service as an election official and requiring a paycheck deduction for the amount received for that service applies automatically to represented state employees unless otherwise provided in a collective bargaining agreement.

The bill also provides that if a local government employer grants a local government employee a leave of absence for service as an election official, the local government either must deduct the amount that the employee receives for that service from the employee's regular paycheck for the leave period or, if the employee's service was for that same local governmental employer, must require the employee to assign to the local governmental employer the employee's interest in any compensation for that service. The change applies to both represented and nonrepresented employees irrespective of any applicable collective bargaining agreement. However, the change does not apply to employees who are members of a collective bargaining unit covered by a current collective bargaining agreement.

BILL

until the expiration, extension, modification, or renewal of any collective bargaining agreement containing inconsistent provisions, whichever first occurs.

Voting by felons and immigrants

Current law requires a court to provide a defendant certain information at sentencing. For example, when a court sentences a person or places a person on probation for a felony, the court must inform the person that he or she is prohibited from possessing a firearm. Under this bill, whenever a court imposes a sentence or places a person on probation for a conviction that disqualifies the person from voting, the court must inform the person of that disqualification. The bill also requires the department of corrections to inform the person of the disqualification if the person is released to parole or extended supervision or, if the person is confined as a condition of probation, upon the person's release to probation.

In addition, this bill requires the standard voter registration form to include a notice advising each registering elector of the law with regard to the voting eligibility of felons and requires each registering elector to certify that, to the best of the elector's knowledge, he or she is a qualified elector. The bill also requires every municipality to post a uniform sign on election day at the entrance to each polling place that advises electors of the voting eligibility requirements under the laws of this state, including the voting eligibility requirements applicable to felons and immigrants.

Under current law, the municipal clerk is required to supervise elections and registration in each applicable municipality. Among other things, the municipal clerk must instruct election officials in their duties. This bill specifies that the municipal clerk must also instruct election officials with regard to the voting eligibility requirements under the laws of this state, including the voting eligibility requirements applicable to felons and immigrants.

Elections board studies and recommendations

Under current law, every municipality with a population of greater than 5,000 is required to maintain a voter registration list. This bill directs the elections board to study the costs, benefits, and feasibility of and to prepare recommendations with regard to requiring voter registration in every municipality. If the board recommends statewide voter registration, the board must also study the costs, benefits, and feasibility of and prepare recommendations with regard to creating and maintaining a statewide voter registration list. This study must address several issues, which are specified in the bill. The board must submit the results of the studies and all recommendations to the legislature for distribution to the appropriate standing committees of both houses no later than approximately nine months after the bill becomes law.

Special legislative committee for the study of multi-lingual voting needs

Under current law, ballots for elections held in this state are printed in English, and election inspectors (poll workers) generally must be literate in English. This bill creates a special legislative committee to study multilingual voting needs in this state. The bill specifies the qualifications for membership on the committee. The bill requires the committee to study whether federal law requires the use of ballots printed in languages other than English or requires the use of bilingual or

The bill also specifies that these provisions relating to leave for service as a satellite station established under the bill do not apply to election officials.

No 4 ↑

BILL

multilingual inspectors in this state and, if so, the extent to which the federal law is being followed. The committee must also study whether and the extent to which the exclusive use of English language ballots and inspectors who are literate only in English prevents electors who are members of particular language minorities in this state and who have no ability, or limited abilities, to speak English from voting. By approximately nine months after the bill becomes law, the committee must submit to the legislature its findings and must submit recommendations with regard to maximizing voting in this state by these electors. Under the bill, the committee terminates after making this submission.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 5.35 (6) (a) 4. of the statutes is created to read:

5.35 (6) (a) 4. A sign containing all information required under s. 7.08 (5).

SECTION 2. 6.33 (1) of the statutes is amended to read:

6.33 (1) The municipal clerk shall supply sufficient registration forms as prescribed by the board printed on loose-leaf sheets or cards to obtain from each applicant information as to name, date, residence location, citizenship, age, whether the applicant has resided within the ward or election district for at least 10 days, whether the applicant has lost his or her right to vote, and whether the applicant is currently registered to vote at any other location, and the forms shall provide a space for the applicant's signature. The forms shall also include a space for the identification serial number of any elector who is issued such a number under s. 6.47 (3). The forms shall also include a notice advising each elector of the effect of s. 6.03 (1) (b) and the fact that an elector who is disqualified from voting under that statute may not vote until his or her civil rights are restored. Each register of deeds shall obtain sufficient registration forms at the expense of the unit of government by which he or she is employed for completion by any elector who desires to register to vote.

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1 **SECTION 3.** 6.33 (2) (b) of the statutes is amended to read:

2 6.33 (2) (b) The registration form shall be signed by the registering elector and
3 any corroborating elector under s. 6.29 (2) (a) or 6.55 (2) before the clerk, issuing
4 officer, or registration deputy. The form shall contain a certification by the
5 registering elector that all statements are true and correct, and that the elector, to
6 the best of his or her knowledge, is eligible to vote.

7 **SECTION 4.** 6.78 (intro.) of the statutes is renumbered 6.78 (1m) and amended
8 to read:

9 6.78 (1m) The polls at ~~any~~ every election shall be open: from 7 a.m. until 8 p.m.

10 **SECTION 5.** 6.78 (1) of the statutes is repealed.

11 **SECTION 6.** 6.78 (2) of the statutes is repealed.

12 **SECTION 7.** 6.78 (3) of the statutes is repealed.

13 **SECTION 8.** 7.08 (5) of the statutes is created to read:

14 7.08 (5) NOTICE OF VOTER ELIGIBILITY REQUIREMENTS. Prescribe by rule the form
15 and content of a sign, to be posted under s. 5.35 (6) (a) 4. at each polling place, for the
16 purpose of notifying electors of the voter eligibility requirements under the laws of
17 this state, including voter eligibility requirements applicable to individuals who
18 have been convicted of felonies and applicable to immigrants.

19 **SECTION 9.** 7.15 (1) (e) of the statutes is amended to read:

20 7.15 (1) (e) Instruct election officials in their duties, calling them together
21 whenever advisable; advise them of the voter eligibility requirements under the
22 laws of this state, including voter eligibility requirements applicable to individuals
23 who have been convicted of felonies and applicable to immigrants, and of changes in
24 laws, rules, and procedures affecting the performance of their duties; and
25 administer examinations as authorized under s. 7.30 (2) (c). The clerk shall assure

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SECTION 9

1 that officials who serve at polling places where an electronic voting system is used
2 are familiar with the system and competent to instruct electors in its proper use. The
3 clerk shall inspect systematically and thoroughly the conduct of elections in the
4 municipality so that elections are honestly, efficiently, and uniformly conducted.

5 **SECTION 10.** 7.33 (4) of the statutes is amended to read:

6 7.33 (4) ~~Each~~ Except as otherwise provided in this subsection, each local
7 governmental unit, as defined in s. 16.97 (7), may, and each state agency shall, upon
8 proper application under sub. (3), permit each of its employees to serve as an election
9 official without loss of fringe benefits or seniority privileges earned for scheduled
10 working hours during the period specified in sub. (3), ~~and without loss of pay for~~
11 ~~scheduled working hours during the period specified in sub. (3) except as provided~~
12 ~~in sub. (5), and shall not impose without~~ any other penalty ~~upon an employee who~~
13 ~~serves as an election official.~~ For employees who are included in a collective
14 bargaining unit for which a representative is recognized or certified under subch. V
15 of ch. 111, this subsection shall apply unless otherwise provided in a collective
16 bargaining agreement.

17 **SECTION 11.** 7.33 (5) of the statutes is renumbered 7.33 (5) (a).

18 **SECTION 12.** 7.33 (5) (b) of the statutes is created to read:

19 7.33 (5) (b) Except as otherwise provided in this paragraph, any employee of
20 a local governmental unit, as defined in s. 16.97 (7), who obtains a paid leave of
21 absence under sub. (4) in order to serve as an election official under s. 7.30, shall
22 certify in writing to the head of the local governmental unit by which he or she is
23 employed the amount of compensation that the employee receives for the service.
24 Except as otherwise provided in this paragraph, upon receipt of the certification, the
25 head of the local governmental unit shall deduct that amount from the employee's

BILL

1 pay earned for scheduled working hours during the period specified in sub. (2) when
2 the employee is on a paid leave of absence. If the local governmental unit is also the
3 employer for purposes of the employee's service as an election official, the local
4 governmental unit may require the employee, before the service begins, to assign his
5 or her interest in any compensation earned for the service to the local governmental
6 unit. If the employee makes this assignment, he or she need not make the
7 certification required under this paragraph and the employer may not make the
8 deduction required under this paragraph.

9 **SECTION 13.** 19.32 (1c) of the statutes is amended to read:

10 19.32 (1c) "Incarcerated person" means a person who is incarcerated in a penal
11 facility or who is placed on probation and given confinement under s. 973.09 (4) (a)
12 as a condition of placement, during the period of confinement for which the person
13 has been sentenced.

14 **SECTION 14.** 20.921 (2) (b) of the statutes is amended to read:

15 20.921 (2) (b) The head of each state agency or the chief executive officer of the
16 University of Wisconsin Hospitals and Clinics Authority shall deduct from the salary
17 of any employee the amount certified under s. 7.33 (5) (a) which is received by the
18 employee for service as an election official while the employee is on a paid leave of
19 absence under s. 7.33 (3).

20 **SECTION 15.** 67.05 (3) (f) of the statutes is amended to read:

21 67.05 (3) (f) If a special purpose district calls a referendum to be held in
22 conjunction with a state, county, municipal, or judicial election, the polling places for
23 the state, county, municipal, or judicial election shall be the polling places for the
24 special purpose district referendum and the municipal election hours shall apply. If
25 no state, county, municipal, or judicial election is held on the day of the special

BILL**SECTION 15**

1 purpose district referendum, the governing body of the special purpose district may
2 ~~set the election hours and~~ select the polling places to be used, except as otherwise
3 provided in s. 120.06 (9) (b) in the case of a school district. If a polling place located
4 in the special purpose district that was utilized at the most recent spring or general
5 election is not utilized by the special purpose district, the governing body of the
6 special purpose district shall post a notice on the door of the polling place indicating
7 all polling places open for voting. ~~Election hours set by the governing body of the~~
8 ~~special purpose district for each polling place shall be the same as those provided by~~
9 ~~the governing body of the municipality in which the polling place is located, except~~
10 ~~that if the opening hour is later than 7 a.m., the governing body of the special purpose~~
11 ~~district may extend the opening hour to not earlier than 7 a.m.~~ The municipal clerk
12 of each municipality in which a polling place is located shall provide the necessary
13 equipment to operate the polling place.

14 **SECTION 16.** 111.93 (3) of the statutes is amended to read:

15 111.93 (3) Except as provided in ss. 7.33 (4), 40.05, 40.80 (3), 111.91 (1) (cm),
16 230.35 (2d), 230.35 (3) (e) 6., and 230.88 (2) (b), if a collective bargaining agreement
17 exists between the employer and a labor organization representing employees in a
18 collective bargaining unit, the provisions of that agreement shall supersede the
19 provisions of civil service and other applicable statutes, as well as rules and policies
20 of the board of regents of the University of Wisconsin System, related to wages, fringe
21 benefits, hours, and conditions of employment whether or not the matters contained
22 in those statutes, rules, and policies are set forth in the collective bargaining
23 agreement.

24 **SECTION 17.** 120.06 (9) (a) of the statutes is amended to read:

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1 120.06 (9) (a) The primary and spring elections for school board members shall
2 be conducted by the election officials for state and municipal elections. In a school
3 board election held in conjunction with a state, county, municipal, or judicial election,
4 the polling places for the state, county, municipal, or judicial election shall be the
5 polling places for the school board election and the municipal election hours shall
6 apply. If no state, county, municipal, or judicial election is held on the day of the
7 school board election, the school board may ~~set the election hours and~~ select the
8 polling places to be used. The election costs shall be charged as provided in ss. 5.68
9 and 7.03. ~~Election hours set by the school board shall be the same as those provided~~
10 ~~by the municipal governing body in which the polling place is located, except that if~~
11 ~~the opening hour is later than 7 a.m., the school board may extend the opening hour~~
12 ~~to not earlier than 7 a.m.~~

13 **SECTION 18.** 302.117 of the statutes is created to read:

14 **302.117 Notice regarding ineligibility to vote.** When an inmate who is
15 disqualified from voting under s. 6.03 (1) (b) is released to parole or extended
16 supervision, the department shall inform the person that he or she may not vote in
17 any election until his or her civil rights are restored.

18 **SECTION 19.** 303.09 (1) of the statutes is amended to read:

19 303.09 (1) The county board of any county may establish, relocate and
20 maintain an unlocked facility for use exclusively by persons granted leave privileges
21 under s. 303.08 (1) and persons confined under s. 973.09 (4) (a) or 973.11 (1) (b). The
22 facility need not be located at the county seat.

23 **SECTION 20.** 303.09 (2) of the statutes is amended to read:

24 303.09 (2) The county boards of 2 or more counties may jointly establish,
25 relocate and maintain a facility described in sub. (1). The operation and expenses

BILL**SECTION 20**

1 of the facility shall be governed by an agreement between those counties. In a jointly
2 established facility, authority under ss. 303.08 (2m), 973.09 (4) (a) and 973.11 (1) (b)
3 may be exercised by a sheriff of any of the counties which jointly establish the facility.
4 The agreement shall specify who has authority to act under ss. 303.08 (2m), 973.09
5 and 973.11 (1) (b).

6 **SECTION 21.** 946.42 (1) (a) of the statutes is amended to read:

7 946.42 (1) (a) “Custody” includes without limitation actual custody of an
8 institution, including a secured correctional facility, as defined in s. 938.02 (15m), a
9 secured child caring institution, as defined in s. 938.02 (15g), a secured group home,
10 as defined in s. 938.02 (15p), a secure detention facility, as defined in s. 938.02 (16),
11 a Type 2 child caring institution, as defined in s. 938.02 (19r), or a juvenile portion
12 of a county jail, or of a peace officer or institution guard and constructive custody of
13 prisoners and juveniles subject to an order under s. 48.366, 938.183, 938.34 (4d), (4h)
14 or (4m) or 938.357 (4) or (5) (e) temporarily outside the institution whether for the
15 purpose of work, school, medical care, a leave granted under s. 303.068, a temporary
16 leave or furlough granted to a juvenile or otherwise. Under s. 303.08 (6) it means,
17 without limitation, that of the sheriff of the county to which the prisoner was
18 transferred after conviction. It does not include the custody of a probationer, parolee
19 or person on extended supervision by the department of corrections or a probation,
20 extended supervision or parole officer or the custody of a person who has been
21 released to aftercare supervision under ch. 938 unless the person is in actual custody
22 or is subject to a confinement order under s. 973.09 (4) (a).

23 **SECTION 22.** 946.425 (1r) (a) of the statutes is amended to read:

24 946.425 (1r) (a) Any person who is subject to a confinement order under s.
25 973.09 (4) (a) as the result of a conviction for a misdemeanor and who intentionally

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1 fails to report to the county jail or house of correction as required under the order is
2 guilty of a Class A misdemeanor.

3 **SECTION 23.** 946.425 (1r) (b) of the statutes is amended to read:

4 946.425 (1r) (b) Any person who is subject to a confinement order under s.
5 973.09 (4) (a) as the result of a conviction for a felony and who intentionally fails to
6 report to the county jail or house of correction as required under the order is guilty
7 of a Class D felony.

8 **SECTION 24.** 946.425 (2) of the statutes is amended to read:

9 946.425 (2) A court shall impose a sentence under this section consecutive to
10 any sentence previously imposed or that may be imposed for any crime or offense for
11 which the person was sentenced under s. 973.03 (5) (b) or 973.15 (8) (a), consecutive
12 to any sentence that may apply to the person under s. 973.10 (2) or consecutive to any
13 confinement order under s. 973.09 (4) (a) previously issued by a court regarding the
14 person.

15 **SECTION 25.** 968.255 (7) (d) of the statutes is amended to read:

16 968.255 (7) (d) Is confined as a condition of probation under s. 973.09 (4) (a).

17 **SECTION 26.** 973.033 of the statutes is renumbered 973.176 (1), and 973.176 (1)
18 (title), as renumbered, is amended to read:

19 973.176 (1) (title) ~~SENTENCING; RESTRICTION ON FIREARM~~ FIREARM POSSESSION.

20 **SECTION 27.** 973.034 of the statutes is renumbered 973.176 (3), and 973.176 (3)
21 (title), as renumbered, is amended to read:

22 973.176 (3) (title) ~~SENTENCING; RESTRICTION ON CHILD~~ CHILD SEX OFFENDER
23 WORKING WITH CHILDREN.

24 **SECTION 28.** 973.09 (1) (d) (intro.) of the statutes is amended to read:

BILL**SECTION 28**

1 973.09 (1) (d) (intro.) If a person is convicted of an offense that provides a
2 mandatory or presumptive minimum period of one year or less of imprisonment, a
3 court may place the person on probation under par. (a) if the court requires, as a
4 condition of probation, that the person be confined under sub. (4) (a) for at least that
5 mandatory or presumptive minimum period. The person is eligible to earn good time
6 credit calculated under s. 302.43 regarding the period of confinement. This
7 paragraph does not apply if the conviction is for any of the following:

8 **SECTION 29.** 973.09 (4) of the statutes is renumbered 973.09 (4) (a).

9 **SECTION 30.** 973.09 (4) (b) of the statutes is created to read:

10 973.09 (4) (b) If a person who is disqualified from voting under s. 6.03 (1) (b)
11 is confined under par. (a) and remains on probation after completing the period of
12 confinement, the department shall inform the person upon the completion of the
13 period of confinement that he or she may not vote in any election until his or her civil
14 rights are restored.

15 **SECTION 31.** 973.09 (7m) (a) of the statutes is amended to read:

16 973.09 (7m) (a) Except as provided in s. 943.017 (3), the court may require as
17 a condition of probation that the probationer perform community service work for a
18 public agency or a nonprofit charitable organization. The number of hours of work
19 required may not exceed what would be reasonable considering the seriousness of the
20 offense and any other offense which is read into the record at the time of conviction.
21 An order may only apply if agreed to by the probationer and the organization or
22 agency. The court shall ensure that the probationer is provided a written statement
23 of the terms of the community service order and that the community service order
24 is monitored. If the court requires the conditions provided in this subsection and sub.
25 (4) (a), the probationer reduces the period of confinement under sub. (4) (a) at a rate

BILL

1 of one day for each 3 days of work performed. A day of work equals 8 hours of work
2 performed.

3 **SECTION 32.** 973.11 (1) (b) of the statutes is amended to read:

4 973.11 (1) (b) Any requirement that the court may impose under s. 973.09 (1g),
5 (1x), (4) (a), and (7m).

6 **SECTION 33.** 973.176 (title) and (2) of the statutes are created to read:

7 **973.176 (title) Notice of restrictions. (2) VOTING.** Whenever a court imposes
8 a sentence or places a defendant on probation for a conviction that disqualifies the
9 defendant from voting under s. 6.03 (1) (b), the court shall inform the defendant that
10 he or she may not vote in any election until his or her civil rights are restored.

11 **SECTION 34.** 977.05 (6) (g) 2. of the statutes is amended to read:

12 977.05 (6) (g) 2. The state or the court seeks to modify the conditions of
13 probation to include a period of confinement under s. 973.09 (4) (a).

14 **SECTION 35. Nonstatutory provisions.**

15 (1) UNIVERSAL, CENTRALIZED VOTER REGISTRATION; RECOMMENDATIONS. The
16 elections board shall study the costs, benefits, and feasibility of and prepare
17 recommendations with regard to requiring voter registration in every municipality
18 in this state. If the board recommends that registration be required in all
19 municipalities, the board shall study the costs, benefits, and feasibility of and
20 prepare recommendations with regard to creating and maintaining a statewide voter
21 registration list. This study shall address at least each of the following issues:

22 (a) How the list should be created and maintained.

23 (b) The fiscal impact upon the state and local governments of maintaining the
24 list.

25 (c) How accuracy of the list should be ensured.

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1 (d) Whether, to use the list, an electronic connection would need to be
2 established between each polling place in the state and the board and how such a
3 connection would be established and maintained.

4 (e) How registrations on election day would be integrated into the list.

5 (f) How procedures for corroboration of the identities of electors would be
6 affected by maintenance of the list.

7 (g) How absentee balloting would be affected by the creation of the list.

8 (h) The impact of maintenance of the list upon transient populations, such as
9 college students.

10 (i) How the list could be accurately purged of the names of convicted felons who
11 are ineligible to vote while ensuring that no eligible electors are disenfranchised.

12 (j) How the list should be purged of the names of ineligible or inactive electors
13 while ensuring that no eligible electors are disenfranchised.

14 (k) Whether the list should be publicly maintained or a private entity should
15 be retained to maintain the list.

16 (L) If a private entity were retained to maintain the list, the standards to which
17 the entity should be held to account.

18 (m) Whether and how provisional voting of challenged electors could be
19 facilitated if the list were maintained.

20 (2) UNIVERSAL, CENTRALIZED VOTER REGISTRATION; REPORT. No later than the first
21 day of the 10th month beginning after the effective date of this subsection, the
22 elections board shall submit the results of the studies and all recommendations
23 prepared under subsection (1) to the chief clerk of each house of the legislature for
24 distribution to the appropriate standing committees of the legislature in the manner
25 provided under section 13.172 (3) of the statutes.

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1 (3) SPECIAL LEGISLATIVE COMMITTEE FOR THE STUDY OF MULTILINGUAL VOTING
2 NEEDS.

3 (a) *Committee duties and powers.* There is created a special legislative
4 committee to be called the committee for the study of multilingual voting needs. The
5 purpose of the committee is to study the need for providing ballots in languages other
6 than English and for hiring bilingual or multilingual inspectors for elections held in
7 this state. The committee shall study whether federal law requires the use of ballots
8 printed in languages other than English or the use of bilingual or multilingual
9 inspectors in this state and, if so, the extent to which the federal law is being followed.
10 The committee shall study whether and the extent to which electors who are
11 members of a particular language minority in this state and who have no ability, or
12 limited abilities, to ~~spea~~^{understand} English are unable to vote if ballots printed only in English
13 are used and if inspectors who are literate only in English are used. The committee
14 shall prepare recommendations with regard to maximizing voting in this state by
15 electors who are members of language minorities and who have no ability, or limited
16 abilities, to ~~spea~~^{understand} English. The committee may call upon any state agency or officer,
17 city or city officer, village or village officer, or town or town officer for the facilities
18 and data of the agency, city, village, town, or officer, and those agencies, cities,
19 villages, towns, and officers ^{that are called upon} shall cooperate with the committee to the fullest extent
20 possible.

21 (b) *Committee membership and staff.* The committee created under paragraph
22 (a) shall consist of 13¹ members. The members shall be the senate majority leader or
23 his or her designee; the senate minority leader or his or her designee; the assembly
24 majority leader or his or her designee; the assembly minority leader or his or her
25 designee; the executive director of the state elections board or his or her designee; the

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1 attorney general or his or her designee; one municipal clerk or executive director of
2 a board of election commissioners of a city in this state with a population of at least
3 50,000; one municipal clerk of a city, village, or town in this state with a population
4 of at least 5,000 but less than 50,000; one municipal clerk of a city, village, or town
5 with a population of less than 5,000; one municipal clerk of any other city, village,
6 or town in this state; and three members representing the public. Two of the
7 members who are municipal clerks or executive directors of boards of election
8 commissioners shall hold office in a city, village, or town with a significant number
9 of residents who are members of a language minority and who have no ability, or
10 limited abilities, to ~~speaks~~ ^{understand} English. The members who are municipal clerks or
11 executive directors of boards of election commissioners and the members
12 representing the public shall be appointed jointly by the cochairpersons of the
13 committee. The cochairpersons of the committee shall be the senate majority leader
14 or his or her designee and the assembly ~~minority~~ ^{majority} leader or his or her designee. The
15 staff of the joint legislative council shall administer the affairs of the committee.

16 (c) *Committee report and termination.* By the first day of the 10th month
17 beginning after the effective date of this paragraph, the committee shall report its
18 findings and recommendations to the chief clerk of each house of the legislature for
19 distribution to the appropriate standing committees of the legislature in the same
20 manner as in provided under section 13.172 (3) of the statutes. The committee
21 terminates on the date it submits its findings and recommendations.

SECTION 36. Initial applicability.

23 (1) LEAVES OF ABSENCE FOR SERVICE AS AN ELECTION OFFICIAL. The treatment of
24 sections 7.33 (4) and (5) (b) and 111.93 (3) of the statutes first applies to employees
25 who are affected by a collective bargaining agreement containing provisions

BILL

1 inconsistent with this treatment on the day on which the collective bargaining
2 agreement expires or is extended, modified, or renewed, whichever first occurs.

3 (2) NOTIFICATION REGARDING INELIGIBILITY TO VOTE DURING PAROLE OR EXTENDED
4 SUPERVISION. The treatment of section 302.117 of the statutes first applies to persons
5 whom the department of corrections releases to parole or extended supervision on
6 the effective date of this subsection.

7 (3) NOTIFICATION REGARDING INELIGIBILITY TO VOTE DURING PROBATION. The
8 treatment of section 973.09 (4) (b) of the statutes first applies to persons whom the
9 court orders confined as a condition of probation on the effective date of this
10 subsection.

11 (4) NOTIFICATION AT SENTENCING REGARDING INELIGIBILITY TO VOTE. The treatment
12 of sections 973.033, 973.034, and 973.176 (title) and (2) of the statutes first applies
13 to persons whom the court sentences on the effective date of this subsection.

14 **SECTION 37. Effective dates.** This act takes effect on the day after publication,
15 except as follows:

16 (1) NOTIFICATION REGARDING INELIGIBILITY TO VOTE. The treatment of sections
17 302.117, 973.033, 973.034, and 973.176 (title) and (2) of the statutes, the
18 renumbering of section 973.09 (4) of the statutes, the creation of section 973.09 (4)
19 (b) of the statutes, and SECTION 36 (2), (3), and (4) of this act take effect on the first
20 day of the 3rd month beginning after publication.

21 (END)

2001 BILL

INSERTS

1 AN ACT *to amend* 5.02 (15), 5.05 (1) (e), 5.25 (4) (a), 5.25 (4) (c), 5.35 (5), 5.35 (6)
 2 (a) (intro.), 5.35 (6) (a) 3., 6.28 (1), 6.29 (1), 6.32 (3), 6.40 (1) (a), 6.40 (1) (c), 6.55
 3 (2) (d), 6.56 (1), 6.77 (1), 6.79 (2), 6.86 (1) (a) 5., 6.86 (1) (ar), 6.87 (3) (a), 6.88
 4 (3) (a), 7.03 (1) (d), 7.30 (2) (a), 7.30 (2) (b), 7.30 (6) (c), 7.33 (3), 7.37 (2), 7.41 (1),
 5 7.41 (2), 7.41 (3) (intro.), 7.41 (3) (a), 7.41 (3) (b), 12.03 (title), 12.03 (1), 12.07
 6 (2), 12.13 (3) (x) and 17.29; *to repeal and recreate* 6.28 (title); and *to create*
 7 ~~6.285, 6.873, 12.03 (1m) and 12.03 (2m) of the statutes, relating to,~~
 8 establishing satellite stations for purposes of conducting voter registration and
 9 absentee voting and granting rule-making authority.

INSERT
RELATINGINSERT
ANALYSIS*Analysis by the Legislative Reference Bureau*

Currently, unless an elector votes by absentee ballot, the elector must appear at the polling place serving his or her residence in order to vote. Polling places are staffed by inspectors who, with limited exceptions, are appointed from nominations submitted by the party committeemen or committeewomen of the two major political parties. If nominations are not submitted, inspectors may be appointed without regard to party affiliation. With limited exceptions, inspectors must be residents of the area served by the polling place where they are employed. Inspectors are public

This bill makes several changes to the election laws and requires studies and recommendations with regard to certain election-related issues. The changes include: 1. Absentee voting and voter registration at satellite locations. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 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2004. 2005. 2006. 2007. 2008. 2009. 2010. 2011. 2012. 2013. 2014. 2015. 2016. 2017. 2018. 2019. 2020. 2021. 2022. 2023. 2024. 2025. 2026. 2027. 2028. 2029. 2030. 2031. 2032. 2033. 2034. 2035. 2036. 2037. 2038. 2039. 2040. 2041. 2042. 2043. 2044. 2045. 2046. 2047. 2048. 2049. 2050. 2051. 2052. 2053. 2054. 2055. 2056. 2057. 2058. 2059. 2060. 2061. 2062. 2063. 2064. 2065. 2066. 2067. 2068. 2069. 2070. 2071.

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officers who serve for ^{two}~~2~~-year terms and must file an oath of office. Inspectors must be compensated by the municipality where they serve.

Current law permits any qualified elector who for any reason is unable or unwilling to appear at his or her polling place to vote by absentee ballot. With certain limited exceptions, the elector must apply for and obtain an absentee ballot from the appropriate municipal clerk or board of election commissioners by 5 p.m. on the day before the election. The elector may cast the absentee ballot either by mail or in person at the ~~station~~ ^{office} of the municipal clerk or board of election commissioners of the municipality where the elector resides. Current law also contains a special procedure that permits certain residents of nursing or retirement homes or community-based residential facilities to apply for and obtain an absentee ballot from a special voting deputy who is appointed by the municipal clerk or board of election commissioners and who personally visits the home or facility. These electors give their absentee ballots directly to the special voting deputy, who then delivers the ballots to the municipal clerk or board of election commissioners.

With certain limited exceptions, this bill authorizes the municipal clerk or board of election commissioners of any municipality to designate any location as a temporary, satellite station for absentee voting by electors of the municipality. The location may be inside a building or outdoors and need not be contained in a room separated from other activities. The bill permits any qualified elector of a municipality to obtain and ^{cast}~~vote~~ an absentee ballot at a satellite station. A satellite station may be open for absentee voting at any time, but only after the official absentee ballots are prepared and before 5 p.m. on the day before the election.

^{on a nonpartisan basis} Under the bill, a satellite station must be staffed by at least one special voting deputy who is appointed by the municipal clerk or board of election commissioners. The bill permits any qualified elector of the state to be appointed as a special voting deputy, ~~without regard to party affiliation~~. The bill specifies certain minimum qualifications for the special voting deputy, such as knowledge of the English language. The municipal clerk or board of election commissioners must instruct the special voting deputy in his or her duties. The special voting deputy may be compensated at the option of the applicable municipality. The special voting deputy is required to supervise the proceedings at the satellite station to which he or she is assigned and to enforce certain election laws that apply to the satellite station. The special voting deputy is under the supervision of the municipal clerk or board of election commissioners. Under the bill, a special voting deputy is a public officer and must file an oath of office.

If voter registration is required in the municipality, the bill also requires the municipal clerk or board of election commissioners to appoint at least one special registration deputy to staff each satellite station. The bill specifies certain minimum qualifications for the special registration deputy. The bill permits an elector to register at any satellite station at any time during which the station is open for absentee voting. With certain limited exceptions, the elector must follow the registration procedure that would otherwise apply to the elector under current law.

The bill applies certain provisions of current law relating to the operation of polling places to a satellite station established under the bill. For example, the bill

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requires a satellite station to meet current standards with regard to the accessibility of polling places and requires the posting of information at a satellite station that is generally the same as the information required to be posted at a polling place. However, whereas current law prohibits electioneering on public property within 100 feet of the entrance to a polling place, this bill generally prohibits electioneering in any building in which a satellite station is located at any time during which the satellite station is open. Also, if a satellite station is located outside of a building, the bill generally prohibits electioneering within 100 feet of the satellite station at any time during which the satellite station is open. The restriction does not apply on private property that is not owned or controlled by the same person as the property where the satellite station is located and does not apply to bumper stickers.

For further information see the **local** fiscal estimate, which will be printed as an appendix to this bill.

LCIC INSERT ANALYSIS

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

INSERT 4-1

SECTION ~~1~~[#] 5.02 (15) of the statutes is amended to read:

5.02 (15) "Polling place" means the actual location wherein the elector's vote is cast. "Polling place" does not include a satellite absentee voting station designated under s. 6.873 (1) or a nursing home, qualified retirement home, or qualified community-based residential facility where absentee voting is conducted under s. 6.875 (6).

SECTION ~~2~~^{*} 5.05 (1) (e) of the statutes is amended to read:

5.05 (1) (e) Delegate to its executive director the authority to issue a subpoena under par. (b), apply for a search warrant under par. (b), commence an action under par. (d), intervene in an action or proceeding under sub. (9), issue an order under s. 5.06, exempt a polling place or exempt a satellite absentee voting station designated under s. 6.873 (1) from accessibility requirements under s. 5.25 (4) (a), exempt a municipality from the requirement to use voting machines or an electronic voting system under s. 5.40 (5m), approve an electronic data recording system for maintaining poll lists under s. 6.79, or authorize nonappointment of an individual

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SECTION 2

IWS 4-1 cont.

who is nominated to serve as an election official under s. 7.30 (4) (e), subject to such limitations as the board deems appropriate.

~~SECTION 3~~ 5.25 (4) (a) of the statutes is amended to read:

5.25 (4) (a) Each polling place and each satellite absentee voting station designated under s. 6.873 (1) shall be accessible to elderly and handicapped individuals.

~~SECTION 4~~ 5.25 (4) (c) of the statutes is amended to read:

5.25 (4) (c) The board may exempt a polling place or may exempt a satellite absentee voting station designated under s. 6.873 (1) from the requirement of par. (a) in accordance with guidelines prescribed by rule of the board.

~~SECTION 5~~ 5.35 (5) of the statutes is amended to read:

5.35 (5) ACTIVITIES RESTRICTED. No polling place or satellite absentee voting station designated under s. 6.873 (1) may be situated so as to interfere with or distract election officials from carrying out their duties. The municipal clerk and election inspectors shall prevent interference with and distraction of electors at polling places and the special voting deputies shall prevent interference with and distraction of electors at satellite absentee voting stations designated under s. 6.873 (1).

~~SECTION 6~~ 5.35 (6) (a) (intro.) of the statutes is amended to read:

5.35 (6) (a) (intro.) At each polling place and at each satellite absentee voting station designated under s. 6.873 (1) in the state, the municipal clerk or board of election commissioners shall ~~post~~ ensure that all of the following materials are posted, positioned so that they may be readily observed by electors entering the polling place, approaching the satellite station, or waiting in line to vote:

~~SECTION 7~~ 5.35 (6) (a) 3. of the statutes is amended to read:

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1 5.35 (6) (a) 3. Two sample ballots prepared under s. 5.66 (2), in the case of a
2 polling place, and one sample ballot prepared under s. 5.66 (2), in the case of a
3 satellite absentee voting station designated under s. 6.873 (1). *er*

4 ~~SECTION 8~~ 6.28 (title) of the statutes is repealed and recreated to read:

5 **6.28 (title) Open registration.**

6 ~~SECTION 9~~ 6.28 (1) of the statutes is amended to read:

7 6.28 (1) REGISTRATION LOCATIONS; DEADLINE. Except as authorized in ss. 6.285,
8 6.29, and 6.55 (2), registration in person for any election shall close at 5 p.m. on the
9 2nd Wednesday preceding the election. Registrations made by mail under s. 6.30 (4)
10 must be delivered to the office of the municipal clerk or postmarked no later than the
11 2nd Wednesday preceding the election. An application for registration in person or
12 by mail may be accepted for placement on the registration list after the specified
13 deadline, if the municipal clerk determines that the registration list can be revised
14 to incorporate the registration in time for the election. All applications for
15 registration corrections and additions may be made throughout the year at the office
16 of the city board of election commissioners, at the office of the municipal clerk, at the
17 office of any register of deeds or at other locations permitted under s. 6.285 or
18 provided by the board of election commissioners or the common council in cities over
19 500,000 population or by either or both the municipal clerk, or the common council,
20 village or town board in all other municipalities and may also be made during the
21 school year at any high school by qualified persons under sub. (2) (a). Other
22 registration locations may include but are not limited to fire houses, police stations,
23 public libraries, institutions of higher education, supermarkets, community centers,
24 plants and factories, banks, savings and loan associations and savings banks.
25 Special registration deputies shall be appointed for all locations. An elector who

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SECTION 9

IWS 4-2 cont

1 wishes to obtain a confidential listing under s. 6.47 (2) shall register at the office of
2 the municipal clerk of the municipality where the elector resides.

3 **SECTION 10.** 6.285 of the statutes is created to read:

4 **6.285 Registration at satellite absentee voting stations. (1) SPECIAL**
5 **REGISTRATION DEPUTY.** Every municipal clerk or board of election commissioners that
6 designates a satellite absentee voting station under s. 6.873 (1) shall appoint at least
7 one qualified elector as a special registration deputy for the satellite location if
8 registration is required in the municipality. The special registration deputy shall be
9 able to read and write the English language, be capable, and be of good
10 understanding, and may not be a candidate for any office to be voted for at an election
11 at which he or she serves. The municipal clerk or board of election commissioners
12 shall instruct the special registration deputy in the deputy's duties and
13 responsibilities. The municipal clerk or board of election commissioners may revoke
14 the deputy's appointment at any time.

15 **(2) REGISTRATION PROCEDURE:** (a) *Generally.* Except as provided under par. (c),
16 any qualified elector of a municipality where registration is required who is not
17 registered or whose name does not appear on the registration list of the municipality
18 may register in person at any satellite absentee voting station designated by the
19 municipal clerk or board of election commissioners under s. 6.873 (1) at any time
20 during which absentee ballots may be cast at the station. At the time of making a
21 registration application under this subsection, an elector shall provide the special
22 registration deputy with any authorization to cancel registration required under s.
23 6.40 (1) (b).

24 (b) *During late registration.* 1. 'Proof of residence.' Any elector who makes a
25 registration application under par. (a) after the close of registration under s. 6.28 (1)

BILL*INS 4-2 cont*

1 shall present acceptable proof of residence as provided in s. 6.55 (7). If the elector
2 does not present this proof, the elector's registration information shall be
3 corroborated in a separate statement by another elector of the municipality. The
4 corroborating elector shall then provide acceptable proof of residence under s. 6.55
5 (7). The statement shall be signed by the corroborating elector in the presence of the
6 special registration deputy.

7 2. 'Voting procedure.' A qualified elector who completes a registration form
8 under par. (a) and satisfies subd. 1. after the close of registration under s. 6.28 (1) may
9 immediately vote by absentee ballot at the satellite absentee voting station under s.
10 6.873. If the registering elector does not wish to immediately vote by absentee ballot,
11 the special registration deputy shall issue a certificate addressed to the inspectors
12 of the proper ward or election district directing that the elector be permitted to cast
13 his or her vote, unless the municipal clerk or board of election commissioners
14 determines that the registration list will be revised to incorporate the registration
15 in time for the election. The certificate shall be numbered serially and prepared in
16 duplicate. At the time that he or she appears at the correct polling place, the elector
17 shall deliver any certificate issued under this subdivision to the inspectors. Any
18 certificate shall be annexed to any absentee ballot voted by the elector, other than
19 an absentee ballot voted at the satellite absentee voting station immediately after
20 completing the registration, and shall be delivered to the office of the municipal clerk
21 along with the absentee ballot. The inspectors shall record the names of electors who
22 present certificates in person or for whom certificates are presented with absentee
23 ballots on the list maintained under s. 6.56 (1). These names shall then be added to
24 the registration list if the electors are qualified.

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SECTION 10

INS 4-2 cont

(c) *Confidential registration.* Any elector who wishes to obtain a confidential listing under s. 6.47 (2) shall register at the office of the municipal clerk of the municipality where the elector resides.

(3) COMPLETED REGISTRATION FORMS, AUTHORIZATIONS, AND CERTIFICATES. The special registration deputy shall promptly arrange the completed registration forms, authorizations to cancel registration, and certificates issued under sub. (2) (b) 2. in the manner specified by the municipal clerk or board of election commissioners. The special absentee voting deputy that has supervision under s. 6.873 (2) (d) over the satellite absentee voting station shall ensure that the registration forms, authorizations, and certificates are properly kept and shall promptly forward the forms, authorizations, and certificates to the municipal clerk or board of election commissioners in the manner specified by the municipal clerk or board of election commissioners. The municipal clerk or board of election commissioners shall file the registration forms as provided under s. 6.35, shall forward the authorizations as required under s. 6.40 (1) (b), and shall preserve the certificates in the same manner as certificates issued under s. 6.29 (2) (b). The municipal clerk or board of election commissioners may reject any incomplete or defective registration form or authorization received under this subsection and shall promptly notify each individual whose registration is rejected of the rejection and the reason for the rejection. A person whose registration is rejected under this subsection may reapply for registration if he or she is qualified.

SECTION ~~VI~~ 6.29 (1) of the statutes is amended to read:

6.29 (1) No names may be added to a registration list for any election after the close of registration, except as authorized under this section or s. 6.28 (1), 6.285, or

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6.55 (2). Any person whose name is not on the registration list but who is otherwise a qualified elector is entitled to vote at the election upon compliance with this section.

~~SECTION 12~~ 6.32 (3) of the statutes is amended to read:

6.32 (3) If the form is submitted later than the close of registration, the clerk shall make a good faith effort to notify the elector that he or she may register at the clerk's office under s. 6.29 ~~or~~, at the proper polling place or other location designated under s. 6.55 (2), or, if applicable, at a satellite absentee voting station designated under s. 6.873 (1). *2007*

INSERT 5-6

~~SECTION 13~~ 6.40 (1) (a) of the statutes is amended to read:

6.40 (1) (a) *Within municipality.* Any registered elector shall transfer registration after a change of residence within the municipality in which he or she is registered by appearing in person at the office of the municipal clerk or by mailing to the municipal clerk a signed request stating his or her present address, affirming that this will be the elector's residence for 10 days prior to the election ⁵ and providing the address where he or she was last registered. Alternatively, the elector may transfer his or her registration at a satellite absentee voting station designated under s. 6.873 (1) or at the proper polling place or other registration location under s. 6.02 (2) in accordance with s. 6.55 (2) (a). If an elector is voting at a former ward or election district, the change shall be effective for the next election.

~~SECTION 14~~ 6.40 (1) (c) of the statutes is amended to read:

6.40 (1) (c) *Name change.* Whenever an elector's name is legally changed, including a change by marriage or divorce, the elector shall transfer his or her registration to his or her legal name by appearing in person at the office of the municipal clerk or mailing to the municipal clerk a signed request for a transfer of registration to such name. Alternatively, a registered elector may make notification

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SECTION 14

JWS 5-6 cont.

1 of a name change at a satellite absentee voting station designated under s. 6.873 (1)
2 or at his or her polling place under s. 6.55 (2) (d).

3 ~~SECTION 15~~ [#] 6.55 (2) (d) of the statutes is amended to read:

4 6.55 (2) (d) A registered elector who has changed his or her name but resides
5 at the same address, and has not ~~notified the municipal clerk~~ transferred his or her
6 registration to his or her legal name under s. 6.40 (1) (c), shall notify the inspector
7 of the change before voting. The inspector shall then notify the municipal clerk at
8 the time which materials are returned under s. 6.56 (1). If an elector changes both
9 a name and address, the elector shall complete a registration form at the polling
10 place or other registration location under pars. (a) and (b).

11 ~~SECTION 16~~ [#] 6.56 (1) of the statutes is amended to read:

12 6.56 (1) The list containing the names of persons voting under ~~ss. 6.29 and s.~~
13 6.55 (2) and or (3) or persons voting after presenting a certificate issued under s.
14 6.285 (2) (b) 2. or 6.29 (2) (b) shall be returned together with all forms and certificates
15 to the municipal clerk.

16 ~~SECTION 17~~ [#] 6.77 (1) of the statutes is amended to read:

17 6.77 (1) An elector may vote only at the polling place for his or her residence
18 designated by the governing body or board of election commissioners of the
19 municipality where the elector resides, at a satellite absentee voting station
20 designated under s. 6.873 (1) by the municipality where the elector resides, or at a
21 nursing home, qualified retirement home, or qualified community based residential
22 facility where absentee voting is conducted under s. 6.875 (6) in the municipality
23 where the elector resides. *Lead >*

24 ~~SECTION 18~~ [#] 6.79 (2) of the statutes is amended to read:

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6.79 (2) MUNICIPALITIES WITH REGISTRATION. Except as provided in sub. (6) (b), where there is registration, each person, before receiving a voting number, shall state his or her full name and address. Upon the prepared registration list, after the name of each elector, the officials shall enter the serial number of the vote as it is polled, beginning with number one. Each elector shall receive a slip bearing the same serial number. A separate list shall be maintained for electors who are voting under s. 6.15, 6.29 or 6.55 (2) or (3), electors who are voting after presenting a certificate issued under s. 6.285 (2) (b) 2. or 6.29 (2) (b), and electors who are reassigned from another polling place under s. 5.25 (5) (b). Each such elector shall have his or her full name, address and serial number likewise entered and shall be given a slip bearing such number.

~~SECTION 19~~ [#] 6.86 (1) (a) 5. of the statutes is amended to read:

6.86 (1) (a) 5. By delivering an application to a special voting deputy under s. 6.873 (4) or 6.875 (6).

~~SECTION 20~~ [#] 6.86 (1) (ar) of the statutes is amended to read:

6.86 (1) (ar) Except as authorized in s. ss. 6.873 (3) (b) and 6.875 (6), the municipal clerk shall not issue an absentee ballot unless the clerk receives a written application therefor from a qualified elector of the municipality. The clerk shall retain each absentee ballot application until destruction is authorized under s. 7.23 (1).

~~SECTION 21~~ [#] 6.87 (3) (a) of the statutes is amended to read:

6.87 (3) (a) Except as authorized under par. (d) and as otherwise provided in s. ss. 6.873 and 6.875, the municipal clerk shall mail the absentee ballot postage prepaid for return to the elector's residence unless otherwise directed, or shall deliver it to the elector personally at the clerk's office.

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SECTION 22

IN SECT 5-12 CONT.

1 ~~SECTION 22~~ 6.873 of the statutes is created to read:

2 **6.873 Absentee voting at satellite absentee voting stations. (1)**

3 DESIGNATION OF SATELLITE ABSENTEE VOTING STATIONS. The municipal clerk or board
4 of election commissioners of any municipality may designate any location, other than
5 the office of the municipal clerk or board of election commissioners and other than
6 a nursing or retirement home or community-based residential facility under s.
7 6.875, as a satellite absentee voting station where electors of the municipality may
8 vote by absentee ballot. The municipal clerk or board of election commissioners may
9 designate a station on private property only if the person who owns the property or
10 otherwise has authority to consent to its use by the municipality consents to the
11 designation and consents to the enforcement of s. 12.03 (2m) on property owned or
12 controlled by the person. The municipal clerk or board of election commissioners
13 may not designate a location as a satellite absentee voting station if there is a charge
14 for the municipality to use the location.

15 (2) APPOINTMENT OF SPECIAL VOTING DEPUTIES. (a) *Appointment.* The municipal
16 clerk or board of election commissioners shall appoint at least one qualified elector
17 as a special voting deputy to receive absentee ballots at each station established
18 under sub. (1). The appointment shall be made without regard to political party affiliation.
19 The special voting deputy shall be able to read and write the English
20 language, be capable, and be of good understanding, and may not be a candidate for
21 any office to be voted for at an election for which he or she serves. The governing body
22 of the municipality may require a special voting deputy to have a general knowledge
23 of the election laws. The municipal clerk or board of election commissioners may
24 administer examinations to determine whether an individual qualifies for
 appointment under this paragraph. The municipal clerk or board of election

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INSET 5-12 CONT

1 commissioners shall instruct the special voting deputy in the deputy's duties and
2 responsibilities.

3 (b) *Oath.* Before performing his or her duties, each special voting deputy
4 appointed under par. (a) shall file the oath required by s. 7.30 (5). In the oath, the
5 individual shall swear that he or she is qualified to act as a deputy under this section,
6 that he or she has read the statutes governing absentee voting, that he or she
7 understands the proper absentee voting procedure, that he or she understands the
8 penalties for noncompliance with the procedure under s. 12.13, that his or her sacred
9 obligation will be to fully and fairly implement the absentee voting law and seek to
10 have the intent of the electors ascertained. In addition, the oath shall state that the
11 individual realizes that any error in conducting the voting procedure may result in
12 invalidation of an elector's vote under s. 7.51 (2) (e) and that the individual realizes
13 that absentee voting is a privilege and not a constitutional right.

14 (c) *Term of office.* Except as otherwise provided in this paragraph, each special
15 voting deputy appointed under par. (a) shall hold office for 2 years and until his or
16 her successor is appointed and qualified. The municipal clerk or board of election
17 commissioners may revoke a special voting deputy's appointment at any time.

18 (d) *Authority and duties.* For the purpose of ensuring compliance with this
19 section and s. 6.285, each special voting deputy appointed under par. (a) has
20 supervision over the satellite absentee voting station to which he or she is dispatched
21 under sub. (3) (a). The special voting deputy is subject to the supervision of the
22 municipal clerk or board of election commissioners. The special voting deputy has
23 full authority to maintain order and to enforce obedience to his or her lawful
24 commands at any time during which absentee ballots may be cast at the station. The
25 special voting deputy shall prevent any person from taking notice of how another

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SECTION 22

IN SECT 5-12 cont

1 person has voted, except when assistance is given under s. 6.87 (5). The special
2 voting deputy shall enforce s. 5.35 (5) and prevent electioneering from taking place
3 in violation of s. 12.03 (1m) or (2m). If any person refuses to obey the lawful
4 commands of a special voting deputy, is disorderly in the presence or hearing of the
5 special voting deputy, or interrupts or disturbs the proceedings, the special voting
6 deputy may order any law enforcement officer to remove the person from the voting
7 area or to take the person into custody.

8 (3) OPERATION OF SATELLITE ABSENTEE VOTING STATIONS. (a) *Operation.* The
9 municipal clerk or board of election commissioners may dispatch a special voting
10 deputy appointed under sub. (2) to a satellite absentee voting station designated
11 under sub. (1) for the purpose of permitting qualified electors of the municipality to
12 vote by absentee ballot at that station. No station may be open for purposes of this
13 subsection or s. 6.285 at any time before the official absentee ballots for the
14 applicable election are prepared under s. 7.15 (1) (cm) or at any time after 5 p.m. on
15 the day before the election.

16 (b) *Supplies for satellite absentee voting stations.* The municipal clerk or board
17 of election commissioners shall issue a supply of absentee ballots to the special voting
18 deputy that is sufficient to provide for the number of valid applications that the clerk
19 or board of election commissioners reasonably expects will be made at the satellite
20 absentee voting station. The municipal clerk or board of election commissioners
21 shall keep a careful record of all ballots issued to the deputy and shall require the
22 deputy to return every ballot that he or she is issued.

23 (4) ABSENTEE VOTING PROCEDURE. (a) *Registration.* Where registration is
24 required, a qualified elector may register under s. 6.285 (2) at the satellite absentee
25 voting station.

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IN SCOT 5-12 CONT

(b) *Voting.* The special voting deputy shall personally offer any qualified elector of the municipality, served by the deputy, who makes a proper application with the deputy the opportunity to cast his or her absentee ballot. The deputy shall write on the official ballot, in the space for the official endorsement, his or her initials and official title. The elector and a witness shall then make and subscribe to the certification on the certificate envelope and the elector shall vote the ballot in the manor prescribed in s. 6.87 (4). The elector may receive assistance in marking or punching the ballot as approved in s. 6.87 (5). Notwithstanding s. 6.87 (4), the elector shall then seal the ballot inside the certificate envelope and give the sealed certificate envelope containing the ballot to the deputy. The deputy shall promptly forward the sealed certificate envelope containing each ballot to the municipal clerk or board of election commissioners in the manner specified by the municipal clerk or board of election commissioners.

~~SECTION 23.~~ SECTION 23. 6.88 (3) (a) of the statutes is amended to read:

6.88 (3) (a) Any time between the opening and closing of the polls on election day, the inspectors shall open the carrier envelope only, and announce the name of the absent elector or the identification serial number of the absent elector if the elector has a confidential listing under s. 6.47 (2). When the inspectors find that the certification has been properly executed, the applicant is a qualified elector of the ward or election district, and the applicant has not voted in the election, they shall enter an indication on the poll or registration list next to the applicant's name indicating an absentee ballot is cast by the elector. They shall then open the envelope containing the ballot in a manner so as not to deface or destroy the certification thereon. The inspectors shall take out the ballot without unfolding it or permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95, the inspectors

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SECTION 23

INSERT 5-12 cont

1 shall verify that the ballot has been endorsed by the issuing clerk or special voting
2 deputy. The inspectors shall deposit the ballot into the proper ballot box and enter
3 the absent elector's name or voting number after his or her name on the poll or
4 registration list the same as if the elector had been present and voted in person.

5 ~~SECTION 24~~ 7.03 (1) (d) of the statutes is amended to read:

6 7.03 (1) (d) Special registration deputies appointed under s. 6.285 (1) or 6.55
7 (6), special voting deputies appointed under s. 6.873 (2) or 6.875 (4), and officials and
8 trainees who attend training sessions under s. 7.15 (1) (e) or 7.25 (5) may be
9 compensated at the option of the municipality. *con 27*

INSERT 6-4

10 ~~SECTION 25~~ 7.30 (2) (a) of the statutes is amended to read:

11 7.30 (2) (a) Only election officials appointed under this section or s. 6.285 or
12 6.873 may conduct an election. Except as authorized in s. 7.15 (1) (k), each inspector
13 shall be a qualified elector in the ward for which the polling place is established.
14 Special registration deputies appointed under s. 6.55 (6) and election officials
15 appointed under this section serving more than one ward or when necessary to fill
16 a vacancy under par. (b) need not be a resident of that ward, but shall be a resident
17 of the municipality. Special registration deputies appointed under s. 6.55 (6) may be
18 appointed to serve more than one polling place. All officials appointed under this
19 section shall be able to read and write the English language, be capable, be of good
20 understanding, and may not be a candidate for any office to be voted for at an election
21 at which they serve. In 1st class cities, they may hold no public office other than
22 notary public. Except as authorized under sub. (4) (c), all inspectors shall be
23 affiliated with one of the 2 recognized political parties which received the largest
24 number of votes for president, or governor in nonpresidential general election years,
25 in the ward or combination of wards served by the polling place at the last election.

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1 The party which received the largest number of votes is entitled to one more inspector
2 than the party receiving the next largest number of votes at each polling place. The
3 same election officials appointed under this section may serve the electors of more
4 than one ward where wards are combined under s. 5.15 (6) (b). If a municipality is
5 not divided into wards, the ward requirements in this paragraph apply to the
6 municipality at large.

7 ~~SECTION 26~~ 7.30 (2) (b) of the statutes is amended to read:

8 7.30 (2) (b) When a vacancy occurs in an office under this section, the vacancy
9 shall be filled by appointment of the municipal clerk. The vacancy shall be filled from
10 the remaining names on the lists submitted under sub. (4) or from additional names
11 submitted by the chairperson of the county party committee of the appropriate party
12 under sub. (4) whenever names are submitted under sub. (4) (d). If the vacancy is
13 due to candidacy, sickness or any other temporary cause, the appointment shall be
14 a temporary appointment and effective only for the election at which the temporary
15 vacancy occurs. The same qualifications shall be required of persons who fill
16 vacancies. Vacancies may be filled in cases of emergency or because of time
17 limitations by a person from another aldermanic district or ward within the
18 municipality.

19 ~~SECTION 27~~ 7.30 (6) (c) of the statutes is amended to read:

20 7.30 (6) (c) If any election official appointed under this section lacks the
21 qualifications set forth in this section, fails to attend training sessions required
22 under s. 7.15 (1) (e) unless excused therefrom, is guilty of neglecting his or her official
23 duties or commits official misconduct, the municipal clerk or board of election
24 commissioners shall summarily remove the official from office and the vacancy shall
25 be filled under sub. (2) (b).

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INS 4-4 cont.

1 SECTION ~~28~~ 7.33 (3) of the statutes is amended to read:

2 7.33 (3) Every employer shall grant to each employee who is appointed to serve
3 as an election official under s. 7.30 a leave of absence for the entire 24-hour period
4 of each election day in which the official serves in his or her official capacity. An
5 employee who serves as an election official shall provide his or her employer with at
6 least 7 days' notice of application for a leave. The municipal clerk shall verify
7 appointments upon request of any employer. *Leads*

INSERT 7-8

8 SECTION ~~29~~ 7.37 (2) of the statutes is amended to read:

9 7.37 (2) PRESERVE ORDER. The inspectors shall possess full authority to
10 maintain order and to enforce obedience to their lawful commands during the
11 election and the canvass of the votes. They shall permit only one person in a voting
12 booth at a time and shall prevent any person from taking notice of how another
13 person has voted, except when assistance is given under s. 6.82. They shall enforce
14 s. 5.35 (5) and prevent electioneering from taking place in violation of s. 12.03 (1) or
15 (2). If any person refuses to obey the lawful commands of an inspector, or is disorderly
16 in the presence or hearing of the inspectors, interrupts or disturbs the proceedings,
17 they may order any law enforcement officer to remove the person from the voting
18 area or to take the person into custody.

19 SECTION ~~30~~ 7.41 (1) of the statutes is amended to read:

20 7.41 (1) Any member of the public may be present at any polling place or at any
21 satellite absentee voting station designated under s. 6.873 (1) for the purpose of
22 observation of an election, except a candidate at that election. The chief inspector
23 at the polling place or a special voting deputy at the station may reasonably limit the
24 number of persons representing the same organization who are permitted to observe
25 an election at the same time.

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INSERT 7-8 cont

1 **SECTION 31.** 7.41 (2) of the statutes is amended to read:

2 7.41 (2) The chief inspector at a polling place or a special voting deputy at a
3 satellite absentee voting station may restrict the location of any individual
4 exercising the right under sub. (1) to certain areas within ~~a~~ the polling place or
5 station. The chief inspector or special voting deputy shall clearly designate such an
6 area as an observation area. Designated observation areas shall be so positioned to
7 permit any authorized individual to readily observe all public aspects of the voting
8 process.

9 **SECTION 32.** 7.41 (3) (intro.) of the statutes is amended to read:

10 7.41 (3) (intro.) The chief inspector or special voting deputy may order the
11 removal of any individual exercising the right under sub. (1) if that individual
12 commits an overt act which:

13 **SECTION 33.** 7.41 (3) (a) of the statutes is amended to read:

14 7.41 (3) (a) Disrupts the operation of the polling place or satellite absentee
15 voting station; or

16 **SECTION 34.** 7.41 (3) (b) of the statutes is amended to read:

17 7.41 (3) (b) Violates s. 12.03 (2) or (2m).

18 **SECTION 35.** 12.03 (title) of the statutes is amended to read:

19 **12.03 (title) Election-day Restricted campaigning restricted.**

20 **SECTION 36.** 12.03 (1) of the statutes is amended to read:

21 12.03 (1) No election official may engage in electioneering on election day. This
22 subsection dose not apply to an election official who is appointed under s. 6.285 or
23 6.873 and is not serving as an election official on election day.

24 **SECTION 37.** 12.03 (1m) of the statutes is created to read:

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SECTION 37

INS 7-8 cont

1 12.03 (1m) No election official appointed under s. 6.285 or 6.873 may engage
2 in electioneering at a satellite absentee voting station designated under s. 6.873 (1)
3 on any day during which absentee ballots may be cast at the station.

4 SECTION 38. 12.03 (2m) of the statutes is created to read:

5 12.03 (2m) (a) No person may engage in electioneering within any building, or
6 at the doors to any building, in which a satellite absentee voting station is designated
7 under s. 6.873 (1) on any day during which absentee ballots may be cast at the
8 station. This paragraph applies to electioneering on private property only if the
9 property is owned or controlled by the person who consented under s. 6.873 (1) to the
10 designation of the station.

11 (b) Except as otherwise provided in this subsection, no person may engage in
12 electioneering within 100 feet of a satellite absentee voting station that is designated
13 under s. 6.873 (1) and that is not located within a building on any day during which
14 absentee ballots may be cast at the station. This paragraph applies to electioneering
15 on private property only if the property is owned or controlled by the person who
16 consented under s. 6.873 (1) to the designation of the station. This paragraph does
17 not apply to the placement of any material on the bumper of a motor vehicle.

18 SECTION 39. 12.07 (2) of the statutes is amended to read:

19 12.07 (2) No employer may refuse to allow an employee to serve as an election
20 official under s. 7.30 or make any threats or offer any inducements of any kind to the
21 employee for the purpose of preventing the employee from so serving.

22 SECTION 40. 12.13 (3) (x) of the statutes is amended to read:

23 12.13 (3) (x) Refuse to obey a lawful order of an inspector or special voting
24 deputy made for the purpose of enforcing the election laws; engage in disorderly
25 behavior at or near a polling place or at or near a satellite absentee voting station

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1 designated under s. 6.873 (1); or interrupt or disturb the voting or canvassing
2 proceedings.

3 **SECTION 41.** 17.29 of the statutes is amended to read:

4 **17.29 Effect of chapter.** The provisions of this chapter supersede all contrary
5 provisions in either the general law or in special acts, except ~~ch. 7~~ ss. 6.26 (2) (b), 6.28
6 (2) (b), 6.285, 6.873, 6.875, and 7.30 relating to appointed election officers ~~appointed~~
7 ~~for the election wards or polling places in the state~~ officials and ch. 21 relating to the
8 military staff of the governor and to officers of the Wisconsin national guard; and
9 shall govern all offices whether created by general law or special act, unless
10 otherwise specially provided. *end >*

11 *(END)*

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2774/1dn
RJM/JTK/MGD:./:...

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INSERT NOTE

Senator Moore:

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2774/1dnINS
MGD:.....

INSERT
NOTE

1. As I indicated in our phone conversation, it is unclear which felons are prohibited from voting under current law. The former version of article 3, section 2, of the constitution prohibited felons from voting, but that provision applied only to persons ~~committing~~ ^{who committed} crimes that were felonies when the constitution was enacted in 1848. See, e.g., 41 Op. Atty. Gen. 181, 182 (1952). Moreover, s. 6.03 (1) (b), stats., which contained language comparable to that contained in the former version of article 3, section 2, of the constitution could not take away voting rights that were granted under the constitution. Therefore, it too only applied to persons ~~committing~~ ^{who committed} 1848-era felonies.

When the former version of article 3, section 2, of the constitution was repealed and replaced by the current version in 1986, s. 6.03 (1) (b), stats., was left intact. In addition, the legislative history of the current version of article 3, section 2, of the constitution suggests that the legislature may not have intended to make any substantive changes in the law regarding voter eligibility. Therefore, s. 6.03 (1) (b), stats., may still be construed to apply only to persons ~~committing~~ ^{who committed} 1848-era felonies.

2. Section 304.078 may be construed to require a person to fulfill all of his or her restitution obligations (just as he or she would be required to pay a fine) before his or her civil rights (including the right to vote for a person subject to s. 6.03 (1) (b)) are restored. But it is unclear how that provision would be interpreted if the restitution is converted into a civil judgment under s. 973.09 (3) (b) when a person completes a term of probation. After all, neither the statutes nor rules promulgated by the department of corrections (DOC) indicate how DOC is to learn when that judgment is satisfied. More importantly, the discharge certificate issued by DOC "at the expiration of the term noted on the court order committing the client to ... the department," Wis. Admin. Code § DOC 302.17 (2), probably constitutes a "certificate of the department ... that a convicted person has served his or her sentence or otherwise satisfied the judgment against him or her" for the purpose of s. 304.078. In that case it would be "evidence ... that the person is restored to his or her civil rights."

In any event, a person may still have his or her civil rights restored without complying with a court's restitution order if he or she is pardoned.

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State of Wisconsin

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March 9, 2001

MEMORANDUM

To: Senator Moore

From: Robert J. Marchant, Legislative Attorney

Re: LRB-2774 Absentee voting and voter registration at satellite stations; voting by felons; study of voter registration and multi-lingual voting needs; uniform polling hours; service as an election official.

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

_____ JACKET FOR ASSEMBLY ☒ JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 261-4454 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.